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| 10/772,742 | 02/04/2004 | Atsushi Shibutani | 04081/LH | 9563 |
| 1933 7590 12/09/2008 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708 | | | | |
| EXAMINER QUIETT, CARRAMAH J | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,742

Applicant(s)

SHIBUTANI ET AL.

Examiner

Carramah J. Quiett

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11-25, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 6, 12, 14-19, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 11, 13, 20-23, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/04/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 09/23/2008, have been entered and made of record. Claims 1-7, 11-25, 32 and 33 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2, 5, 7, 11, 13, 20-23, 32 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 5** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. **Claim 5** recites the limitation "...an image display unit..." in lines 6-7 of claim 5. A "display" was previously recited in claim 1. Respectfully, is the Applicant claiming more than one "display" component on the apparatus? The specification does not appear to describe more than on display. There is insufficient antecedent basis for this limitation in the claim. For the prior art rejection, the Examiner will provide the best interpretation the indefinite claims as possible.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-2, 5, 7, 20, 21, 23, 32, and 33** are rejected under 35 U.S.C. 102(c) as being anticipated by Borden, IV (US Pat. App. Pub. #20020140820 – herein referred to as Borden).

For **claim 1**, Borden discloses an image reproduction apparatus (pg. 1, [0015]) which is connectable to a memory (pg. 1, [0015]-[0016]) configured to record photographed image data and photographing information of the photographed image data in association with each other (pg. 1, [0015]-[0016]), the image reproduction apparatus comprising:

a display (fig. 1, ref. 12; pg. 1, [0016]);

a first display control unit (28, user selecting desired date ranges via a selection region on a monitor of a personal computer) configured to set a given number of display areas (a subdivided calendar, 14A-14G) on the display, the display areas each being assignable to one of a plurality of different image groups (dates/months – see figs. 1-2; pgs. 1-2, [0016]-[0019]);

a display area selection unit (not shown; 14G) configured to select from among the display areas, based on the photographing information recorded in the memory, a display area (arbitrarily 14E or 14G) to which an image group including the photographed image data recorded in the memory is assigned (pg. 2, [0018]-[0021]);

a second display control unit configured to display in the selected display area the photographed image data (22) of the image group assigned to the selected display area (pg. 2, [0018]-[0021]);

a third display control unit configured to limit the number of photographed image data to be simultaneously displayed in the selected display area to a predetermined number (see 14E in fig. 1; pg. 2, [0018]-[0021]); and

a fourth display control unit configured to display other photographed image data in the image group assigned to the selected display area and not included within the predetermined number, by changing the predetermined number of photographed image data to be simultaneously displayed in the selected display area, while maintaining display control of the first, second and third display control units (see 14G in fig. 1; pg. 2, [0018]-[0021]).

For **claim 2**, Borden discloses the apparatus according to claim 1, wherein the photographing information comprises information representing photographing time of the photographed image data (pg. 2, [0018]-[0021]).

For **claim 5**, Borden discloses the apparatus according to claim 1, wherein the third display control unit includes an image selection unit configured to select the predetermined number of photographed image data having earlier photographing times, and an image display unit configured to simultaneously display, in the selected display area, the predetermined number of photographed image data selected by the image selection unit (pg. 2, [0018]-[0021]).

For **claim 7**, Borden discloses the apparatus according to claim 1, wherein the third display control unit limits the predetermined number of photographed image data to be simultaneously displayed in the display area to one (see fig. 1; pg. 2, [0018]-[0021]).

For **claim 20**, Borden discloses the apparatus according to claim 1, further comprising a display area designation unit configured to designate an arbitrary display area of the given number of display areas (see fig. 1, 60; pg. 2, [0018]-[0021]), and

a fifth display control unit configured to simultaneously display, on the display, a plurality of photographed image data including photographed image data which are limited by the third display control unit and are not displayed, in the arbitrary display area designated by the display area designation unit (see fig. 1; pg. 2, [0018]-[0025]).

For **claim 21**, Borden discloses the apparatus according to claim 20, further comprising an image selection unit configured to select arbitrary photographed image data from the plurality of photographed image data simultaneously displayed on the display by the fifth display control unit (pg. 2, pgphs. 0022-0025).

a sixth display control unit configured to display, on the display, an enlarged image (64) of the photographed image data selected by the image selection unit (pg. 2, pgphs. 0022-0025).

For **claim 23**, Borden discloses an image reproduction apparatus (pg. 1, [0015]) which is connectable to a memory (pg. 1, [0015]-[0016]) configured to record a plurality of photographed image data (pg. 1, [0015]-[0016]), the image reproduction apparatus comprising;

a display (fig. 1, ref. 12; pg. 1, [0016]);

a classification unit (personal computer) configured to classify the plurality of photographed image data recorded in the memory into a plurality of different groups in accordance with a predetermined condition (dates/months – see figs. 1-2; pgs. 1-2, [0016]-[0021]);

a first display control unit configured to simultaneously display, on the display, the plurality of the photographed image data classified into the plurality of different groups by the classification unit see (10 in fig. 1; pg. 2, [0017]-[0021]);

a second display control unit configured to limit a number of photographed image data to be simultaneously displayed in each group to a predetermined number (see 14E in fig. 1; pg. 2, [0018]-[0021]); and

a third display control unit configured to sequentially display other photographed image data included in each group and not displayed within the predetermined number of simultaneously displayed photographed image data, by changing the predetermined number of photographed image data to be simultaneously displayed in each group, while maintaining the display control of the first and second display control units (see 14G in fig. 1; pg. 2, [0018]-[0021]).

Claim 32 is an image reproduction method claim corresponding to an image reproduction apparatus claim 1. Therefore, claim 32 is analyzed and rejected as previously discussed with respect to claim 1.

Claim 33 is a computer readable medium having recorded thereon a computer readable program for controlling an image reproduction apparatus claim corresponding to an image reproduction apparatus claim 1. Therefore, claim 33 is analyzed and rejected as previously discussed with respect to claim 1.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 11 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Borden, IV (US Pat. App. Pub. #20020140820) in view of Rothmuller et al. (Pat. App. Pub. #20020033296– herein referred to as Rothmuller) and Anderson (U.S. Pat. #6,118,480 – herein referred to as Anderson).

For **claim 11**, Borden discloses the apparatus according to claim 1 further comprising a display area designation unit configured to designate an arbitrary display area of the predetermined given number of display areas (see fig. 1; pg. 2, [0018]-[0021]). Borden additionally teaches the ability for a user to more closely examine the contents of an image file selected from the thumbnail views (see fig. 1; pg. 2, [0021]). However, Borden does not expressly teach an image processing unit configured to execute predetermined image processing at once for a plurality of photographed image data to be displayed in the arbitrary display area designated by the display area designation unit.

In a similar field of endeavor, Rothmuller discloses a display area designation unit configured to designate an arbitrary display area of the predetermined number of display areas (pg. 2, pgphs. 0018-0024). On pg. 2, pgph. 0024, Rothmuller discloses that metadata associated with a photo can be viewed and edited at once for a plurality of photographed image data included in the group designated by the group designation unit. Also, please see fig. 2. In light of the teaching of Rothmuller, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Borden with the apparatus as recited in

claim 11 in order to provide an apparatus with an improved means for storing and retrieving digital photographs and photographic information (Rothmuller, pg. 1, 0003-0006). However, Rothmuller does not expressly disclose an image processing unit configured to execute predetermined image processing.

In a similar field of endeavor, Anderson discloses an image processing unit (fig. 3) configured to execute predetermined image processing (col. 5, line 63 – col. 6, line 11; col. 8, lines 36-52; fig. 9). In light of the teaching of Anderson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Borden as modified by Rothmuller with the apparatus of Anderson. This modification provides another means for accessing and viewing images (Anderson, col. 2, lines 28-63).

For **claim 13**, Borden, as modified by Rothmuller and Anderson discloses the apparatus according to claim 11, further comprising an image processing designation unit configured to designate a type of image processing, and wherein the image processing unit executes image processing of the type designated by the image processing designation unit at once for the plurality of photographed image data (Rothmuller pg. 2, pgphs. 0018-0024; Anderson col. 5, line 63 – col. 6, line 11; col. 8, lines 36-52; figs. 3 and 9).

10. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Borden, IV (US Pat. App. Pub. #20020140820) in view of Rothmuller et al. (Pat. App. Pub. #20020033296).

For **claim 22**, Borden discloses the apparatus according to claim 1, further comprising inherently a scanner configured to scan an object image and output photographed image data (pg. 1, pgph. 0015 – inherent because Borden teaches that pictures are scanned), and wherein the

memory records the photographed image data output from the scanner (pg. 1, pgphs. 0015-0016).

However, Borden does not expressly teach an/the image sensor as required in claim 22.

In a similar field of endeavor, Rothmuller discloses an apparatus comprising an image sensor configured to sense an object image and output photographed image data (pg. 2, pgph. 0017 – inherent because the apparatus includes a digital camera), and wherein the memory records the photographed image data output from the image sensor (pg. 2, pgph. 0017). In light of the teaching of Rothmuller, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Borden with the apparatus as recited in claim 22 in order to provide an apparatus with an improved means for storing and retrieving digital photographs and photographic information (Rothmuller, pg. 1, 0003-0006).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adcock et al. (US 7325198)

Calendar-based interfaces for browsing and manipulation of digital images.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571)272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2622

/C. J. Q./

Examiner, Art Unit 2622

December 5, 2008

/Ngoc-Yen T. Vu/

Supervisory Patent Examiner, Art Unit 2622